srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5087 OF 2007.

Dattatraya GTovind Kesarkar. ..Petitioner.
Versus.
Additional Commissioner,
Pune Division, Pune & Ors. ..Respondents.

Mr. S. V. Sadavarte for the petitioner.
Mr. C. R. Sonawane A.G.P. for the State.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.

DATE: JULY 18, 2007.

P.C.

1. Heard. It is submitted by the learned counsel for the petitioner that the land of the petitioner is taken in possession. Notification under section 4 of the Land Acquisition Act has been issued. Under such circumstances the petitioner has approached this Court with a prayer that petitioner's possession shall not be disturbed. If notification under section 4 is issued, then respondents are entitled to enter into the land and have trial pits and investigations for the project. For the said purpose the compensation can be claimed by the petitioner. No notice of possession has been issued and therefore there is no ground to make a grievance that the petitioner is being dispossessed. We, therefore, refrain to entertain the petition. Petition is hereby rejected.

(D.G.KARNIK, J.) (S.B.MHASE, J.)